

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Criminal No. 2:10-cr-8-3

**FLOYD M. EDWARDS, III,
Defendant.**

ORDER/OPINION

On the 20th day of August, 2014, came the defendant, Floyd M. Edwards, III, in person and by his counsel, L. Richard Walker, and also came the United States by its Assistant United States Attorney, Stephen Warner, pursuant to an Amended Petition for Warrant or Summons for Offender Under Supervision filed in this case on August 5, 2014, alleging Defendant violated conditions of his supervised release as follows:

1. Violation of Special Condition: The defendant shall participate in a program of testing, counseling and treatment for drug abuse, as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
2. Violation of Standard Condition: The defendant shall work regularly at a lawful occupation, unless excused by the Probation Officer for schooling, training, or other acceptable reasons.
3. Violation of Standard Condition: The defendant shall report to the Probation Officer.
4. Violation of Mandatory Condition: The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.

The Court heard the testimony of United States Probation Officer Vincent Zummo and Defendant. From that testimony, the Court finds probable cause to believe that on or about July 17, 2014, Defendant submitted a urine specimen that tested positive for methamphetamine and subsequently signed a document admitting use of same. The Court notes that probable cause has already been found to believe that Defendant violated the first three conditions contained in the

Amended Petition Upon consideration of which, the Court finds there is probable cause to believe that Defendant violated conditions of his supervised release as alleged in the Amended Petition for Warrant or Summons for Offender Under Supervision filed August 5, 2014. It is therefore **ORDERED** that Defendant be bound over for a full hearing before the Honorable John Preston Bailey, Chief United States District Judge for the Northern District of West Virginia, on the violations alleged in the Amended Petition for Warrant or Summons for Offender Under Supervision dated August 5, 2014.

Defendant requested release pending further proceedings in this matter. Based upon the totality of the circumstances, the undersigned finds that releasing Defendant to his family's residence in Buckhannon, West Virginia would be a recipe for continuing disaster. Defendant's testimony has established that he and his wife have a volatile relationship. The Court also notes, based upon Defendant's testimony, that Defendant ingested alcohol laced with methamphetamine and then drove a borrowed vehicle to drive back home. Defendant readily admitted that he did not have a driver's license. The Court finds by clear and convincing evidence that such actions are inherently dangerous to the public. Accordingly, Defendant is **REMANDED** to the custody of the United States Marshal pending further proceedings in this matter.

The Court notes Defendant's objection to the ruling regarding detention and advises the Defendant that he may file objections and appeal this Order of detention to the District Judge within 14 days of this date.

IT IS SO ORDERED.

The Clerk of the Court is directed to send a copy of this Order to counsel of record.

DATED: August 21, 2014

John S. Kaull

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE